

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

| | | |
|---------------------------|---|--------------------------|
| UNITED STATES OF AMERICA, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | C.A. No. 20-1744-CFC-EGT |
| |) | |
| WALMART INC. AND WAL-MART |) | |
| STORES EAST, LP, |) | |
| |) | |
| Defendants. |) | |

MOTION FOR HEARING TO RESOLVE DISCOVERY DISPUTE

Defendants Walmart Inc. and Wal-Mart Stores East, LP (collectively, “Walmart”) respectfully move this Court to schedule a hearing to address outstanding disputes regarding the following discovery matters:

1. Walmart’s request that the United States comply with the Court’s September 25, 2024 Order and identify in fact discovery the prescriptions that the United States alleges are invalid, as requested in Interrogatory No. 1 and Request for Production No. 6.
2. Walmart’s request in Interrogatory No. 2 that, for each prescription the United States alleges is invalid, the United States identify the bases for that allegation, including whether certain categories of prescriptions are *per se* invalid.

The following attorneys, including at least one Delaware Counsel and at least one Lead Counsel per party, participated in a verbal meet-and-confer (by telephone) on the following dates: December 4, 2020 (100 minutes); December 18, 2025 (100 minutes); January 10, 2025 (80 minutes); and January 22 (75 minutes).

Plaintiff’s Counsel:

Delaware Counsel: Elizabeth Vieyra

Lead Counsel: Katherine Ho, Kate Brunson, Kimberly Stephens

Defendant's Counsel:

Delaware Counsel: Kelly Farnan

Lead Counsel: Jason Varnado, Billy Laxton, James Carlson, Andrew Junker (all but December 18) and William Leathers

The parties are available for a hearing on the following dates: February 20, 24, or 26.

Walmart respectfully requests that the discovery hearing be conducted in person. We have conferred with the United States and can advise it neither joins nor opposes Walmart's request for an in-person hearing.

Walmart requests that the parties be permitted to submit 4-page letters in 12-point font on the issues identified above.

This dispute is the second time¹ that a discovery or protective order dispute has been brought before the Court.

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¹ Walmart is today filing another Motion for Hearing related to discovery from several Agencies and understands the United States will also be filing a Motion for Discovery Conference.

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Dated: January 31, 2025